

New Business
5.7.2019

**INTERNAL
OPERATIONS
STANDING
COMMITTEE**



CITY OF DETROIT
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 500
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46

May 1, 2019

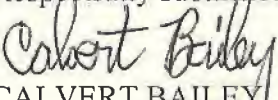
HONORABLE CITY COUNCIL

**RE: MCKINLEY WILLIAMS and OAK PARK CENTER
FOR PHYSICAL THERAPY, INC v CITY OF DETROIT
CASE NO.: 18-003535 NF
FILE NO. L18-00320 (CB)**

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of **Seventeen Thousand Dollars and Zero Cents (\$17,000.00)** is in the best interest of the City of Detroit.

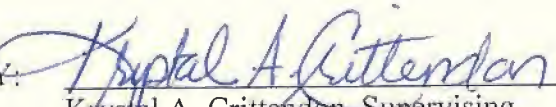
We, therefore, request authorization to settle this matter in the amount of **Seventeen Thousand Dollars and Zero Cents (\$17,000.00)** and that Your Honorable Body direct the Finance Director to issue two (2) drafts. The first draft in the amount of **Twelve Thousand Dollars and Zero Cents** payable to **MCKINLEY WILLIAMS** and his attorneys, **THE SEVA LAW FIRM**. The second draft in the amount of **Five Thousand Dollars and Zero Cents** payable to **OAK PARK CENTER FOR PHYSICAL THERAPY INC.** and their attorneys **LUXON & ZANG P.C.** to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal entered in Lawsuit No. 18-003535 NF, approved by the Law Department.

Respectfully submitted,


CALVERT BAILEY
Assistant Corporation Counsel

APPROVED: MAY 02 2019

LAWRENCE T. GARCIA
Corporation Counsel

BY: 
Krystal A. Crittendon, Supervising
Assistant Corporation Counsel

CB:cb
Attachments

CITY CLERK 2019 MAY 3 PM 1:50

RESOLUTION

BY COUNCIL MEMBER _____:

RESOLVED, that settlement of the above matter be and is hereby authorized in the amount of **Seventeen Thousand Dollars and Zero Cents (\$17, 000.00)**; and be it further.

RESOLVED, that the Finance Director be and is hereby authorized and directed to draw 2 (two) separate warrants. The first warrant upon the proper account in favor of **MCKINLEY WILLIAMS and his attorneys, THE SEVA LAW FIRM** in the amount of **Twelve Thousand Dollars and Zero Cents (\$12, 000.00)**. The second warrant upon the proper account in favor of **OAK PARK CENTER FOR PHYSICAL THERAPY, INC and its attorneys, LUXON & ZANG, P.C.** in the amount of **Five Thousand Dollars and Zero Cents**, in full payment for any and all claims which **MCKINLEY WILLIAMS and OAK PARK CENTER FOR PHYSICAL THERAPY, INC.**, may have against the City of Detroit and/or its employees and agents by reason of alleged injuries sustained by McKinley Williams on a DOT coach on or about **April 8, 2017**, for which Plaintiff Oak Park Center provided medical treatment , and that said amount be paid upon receipt of properly executed Releases, Stipulation and Order of Dismissal entered in Lawsuit No. 18-003535 NF and, where it is deemed necessary or desirable by the Law Department, a properly executed Medicare Reporting and Indemnification Affidavit, approved by the Law Department.

APPROVED:

LAWRENCE T. GARCIA
Corporation Counsel

BY: _____


KRYSTAL A. CRITTENDON, Supervising
Assistant Corporation Counsel

Approved by City Council: _____

Approved by the Mayor: _____



CITY OF DETROIT
LAW DEPARTMENT

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May 1, 2019

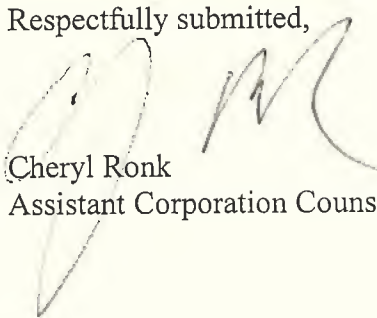
HONORABLE CITY COUNCIL

RE: Wilson, Everette v City of Detroit
Case No: 18-003087-NI
File No: L18-00167(CLR)

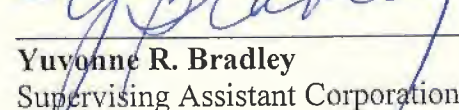
We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of **Seventy Four Thousand Dollars and ^{NO}/Cents (\$74,000.00)** with waiver of future benefits is in the best interest of the City of Detroit.

We, therefore, request authorization to settle this matter in the amount of **Seventy Four Thousand Dollars and ^{NO}/Cents (\$74,000.00)** and that Your Honorable Body direct the Finance Director to issue a draft in that amount payable to Everette Wilson and her attorney, Steven W. Reifman, to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal entered in Lawsuit No. 18-003087-NI, approved by the Law Department.

Respectfully submitted,


Cheryl Ronk
Assistant Corporation Counsel

APPROVED: MAY 02 2019
LAWRENCE GARCIA
Corporation Counsel

BY: 
Yvonne R. Bradley
Supervising Assistant Corporation Counsel

Attachments

CITY CLERK 2019 MAY 3 PM 1:50

R E S O L U T I O N

BY COUNCIL MEMBER _____:

RESOLVED, that settlement of the above matter be and is hereby authorized in the amount of **Seventy Four Thousand Dollars and ^{NO}/Cents (\$74,000.00)** with waiver of future benefits; and be it further

RESOLVED, that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of Everette Wilson and her attorney, Steven W. Reifman, in the amount of **Seventy Four Thousand Dollars and ^{NO}/Cents (\$74,000.00)**, with waiver of future benefits, in full payment for any and all claims which Everette Wilson may have against the City of Detroit and any other City of Detroit employees by reason of alleged injuries sustained on or about 4/5/2017, and otherwise set forth in Case No. 18-003087-NI, that said amount be paid upon receipt of properly executed Releases, Stipulation and Order of Dismissal entered in Lawsuit No. 18-003087-NI and, where deemed necessary by the Law Department a properly executed Medicare/CMS Final Demand Letter.

APPROVED:

LAWRENCE GARCIA
Corporation Counsel

BY:


Yvonne R. Bradley
Supervising Assistant Corporation Counsel

Approved by City Council: _____

Approved by the Mayor: _____



CITY OF DETROIT
LAW DEPARTMENT

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48

May 2, 2019

HONORABLE CITY COUNCIL

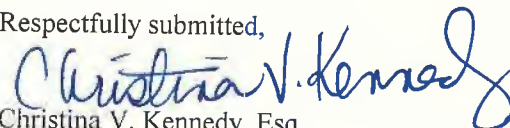
RE: DERREZ PAYNE v. JAMES WIENCEK, ET. AL
CASE NO: 12-013105-CZ
FILE NO: LE-016964 (CVK)

On April 29, 2019, a case evaluation panel evaluated the above-captioned lawsuit and awarded **Sixty-Two Thousand Five Hundred Dollars and No Cents (\$62,500.00)** in favor of Plaintiff Derrez Payne. The parties have until May 29, 2019, to either accept or reject the case evaluation. Failure to file a written acceptance or rejection within this period constitutes a rejection.

Based upon our review of the facts and particulars of this lawsuit, which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body, it is our considered opinion that a settlement in the amount of **Sixty-Two Thousand Five Hundred Dollars and No Cents (\$62,500.00)** to Plaintiff Derrez Payne is in the best interests of the City of Detroit.

We, therefore, request Your Honorable Body to authorize acceptance of the case evaluation award; and, in the event Plaintiff accepts the award, to deem such acceptance as a settlement and to direct the in the Finance Director to issue a draft in the amount indicated above, payable to **DERREZ PAYNE and ROBINSON & ASSOCIATES, PC, his attorney**, to be delivered upon receipt of properly executed Release and Stipulation and Order of Dismissal entered in Lawsuit 12-013105-CZ, approved by the Law Department.

Respectfully submitted,


Christina V. Kennedy, Esq.
Assistant Corporation Counsel

APPROVED: MAY 03 2019

LAWRENCE T. GARCIA
Corporation Counsel

BY:


JERRY L. ASHFORD
Chief of Litigation

CITY CLERK 2019 MAY 5 PM 1:01

RESOLUTION

BY COUNCIL MEMBER _____:


RESOLVED, that settlement of the above matter be and is hereby authorized in the total amount of **Sixty-Two Thousand Five Hundred Dollars and No Cents (\$62,500.00)**; and be it further;

RESOLVED, that in the event Plaintiff accepts the case evaluation, that such acceptance is deemed a settlement, and that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of **DERREZ PAYNE and ROBINSON & ASSOCIATES, PC, his attorney**, in the amount of **Sixty-Two Thousand Five Hundred Dollars and No Cents (\$62,500.00)**, in full payment of any and all claims which **DERREZ PAYNE** may have against the City of Detroit and all of its employees and agents, including, but not limited to James Wiencek, Rachael Arsenault, Ryan Carruthers, James Pierce, and Edward Jackson, by reason of alleged assault, battery, false arrest/imprisonment, excessive force and unreasonable search and seizure under § 1983, and any and all claims arising out of the incident alleged in Plaintiff's Complaint that occurred on **October 8-9, 2010**, and that said amount be paid upon receipt of properly executed Releases, Stipulation and Order of Dismissal entered in Lawsuit No. 12-013105-CZ and, final Medicare demand letter and direct payment of any lien where it is deemed necessary or desirable by the Law Department.

APPROVED:

LAWRENCE T. GARCIA
Corporation Counsel

BY:


JERRY L. ASHFORD
Chief of Litigation



CITY OF DETROIT
HUMAN RESOURCES DEPARTMENT
LABOR RELATIONS DIVISION

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49

May 2, 2019

HONORABLE CITY COUNCIL:

Re: Implementation of the 2019 – 2023 Labor Agreement between the City of Detroit and Employees Represented by International Brotherhood of Teamsters, Local 214

The Labor Relations Division is recommending your Honorable Body's official approval of the 2019 - 2023 Master Agreement between the City of Detroit and the Teamsters, Local 214.

The Master Agreement covers wages, hours and other basic conditions of employment from January 1, 2019 through June 30, 2023. It has been signed by all parties concerned and meets with the approval of the Labor Relations Division.

We therefore respectfully request that your Honorable Body adopt the following resolution with a Waiver of Reconsideration.

Respectfully submitted,

Hakim W. Berry
Chief Operating Officer



By Council Member _____ :

WHEREAS, the City of Detroit and the Teamsters, Local 214 have met the standards for recognition as exclusive agents for their members in the employ of the City of Detroit under Public Act 336 of 1947, as amended, and

WHEREAS, the Labor Relations Division, under the direction of the Mayor, is authorized and directed by the City Charter to act for the City of Detroit in negotiation and administration of collective bargaining agreements, and

WHEREAS, the Labor Relations Division and the Teamsters, Local 214 have met and negotiated this labor agreement which cover wages, hours and other economic conditions of employment through June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Master Agreement between the City of Detroit and the Teamsters, Local 214, be and is hereby approved and confirmed in accordance with the foregoing communication.

2019 - 2023 LABOR AGREEMENT
BETWEEN THE
CITY OF DETROIT
AND
TEAMSTERS LOCAL 214

SUMMARY OF CHANGES (2nd Revision)

Article 7 Service Fee Check-Off

- ◆ Deleted Article 7 in its entirety based on change in law.

Article 9 Grievance and Arbitration Procedures

- ◆ Added language to introduce an expedited arbitration process.

Article 13 Seniority

- ◆ Removed reference to duty disability retirement.
- ◆ Reduced the time considered as a not a break in service from a layoffs from four (4) years to three (3) years.
- ◆ Removed reference to non-duty disability retirement.

Article 15 Reductions in Force, Layoff, Demotion and Recall

- ◆ Added language class seniority language to employees that have three (3) years of service.
- ◆ Added language to give Refuse Collection Packer Operators a right to block for the classification of Vehicle Operator I.

Article 18 Leaves of Absence

- ◆ Removed statement indicating a full statement of employee's FMLA rights as being contained in an Appendix C.

Article 31 Overtime

- ◆ Clarified that vacations and holidays shall be counted as time worked for the purposes of computing overtime.

Article 34 Vacations

- ◆ Removed the two - tier vacation schedule. All employees will be covered under the same vacation accrual schedule.

Article 36 Jury Duty

- ◆ Added language that gives bargaining unit members paid time, for his/her regular shift, when serving on jury duty.

Article 38 Hospitalization

- ◆ Removed language specifying number of days an employee must work to be eligible for health care.
- ◆ Added language specifying the City has the right to change or add insurance carriers.

2019 - 2023 LABOR AGREEMENT
BETWEEN THE
CITY OF DETROIT
AND
TEAMSTERS LOCAL 214
SUMMARY OF CHANGES (2nd Revision)

Article 41 Wages

- ◆ Bargaining unit employees will transition to Step code "R" upon approval of the agreement by City Council.
- ◆ Bargaining unit employees shall receive step progressions annually on July 1st.
- ◆ Bargaining unit employees at the maximum of the range shall receive a 2% annually on July 1st.
- ◆ The wage progression for bargaining unit members shall take no more than three (3) years for employees to reach classification rate/max.

Article 42 Retirement

- ◆ Removed all language which referenced the legacy retirement plan.
- ◆ Added language which defined who the participants are in the Legacy Pension Plan and the Hybrid Pension Plan.

Article 45 Most Favored Nations

- ◆ If negotiations with other employees participating in the GRS produce provisions more favorable than those provided to employees under this agreement, upon notice by the union, the City will meet with the union to discuss the issue.

Article 46 Supplemental Agreements

- ◆ Added language to reflect supplemental agreements will be established in the Police Department and the Health Department.

Article 48 Modification and Duration

- ◆ Contract expires 11:59 P.M., June 30, 2023

.Letter of Understanding

- ◆ Added letter detailing the terms of the retiree medical benefits; referred to as the VEBA

Memorandum of Understanding Tow Truck Drivers

- ◆ Added language to reflect the new Tow Truck position at the Police Department

2019 - 2023 LABOR AGREEMENT
BETWEEN THE
CITY OF DETROIT
AND
TEAMSTERS LOCAL 214

SUMMARY OF CHANGES (2nd Revision)

- will be filled as Vehicle Operator II (72-15-25).
- ◆ The current salary range for Vehicle Operator II is \$15.20 - \$17.82.
- ◆ Effective July 1, 2019 employees in the Vehicle Operator II classification shall receive wage increases in accordance with the Master Agreement.

Memorandum of Understanding Labor/Management Committee

- ◆ Added language to establish a Labor/Management Committee to discuss issues that may arise.

Memorandum of Understanding Dispatcher Rate Adjustments

- ◆ Effective upon approval by City Council, the classifications of Equipment Dispatcher and Sanitation Yard Dispatcher shall receive a \$2.00/hr wage increase.
- ◆ Effective July 1, 2019, the minimum and maximum rates for Sanitation Yard Dispatcher shall be equated with the minimum and maximum rates of Equipment Dispatcher.

Guidelines Regarding Equipment Operations

- ◆ Added Log Loader Truck as equipment operated by Refuse Collection Packer Operators.
- ◆ Added Rear Steer (Knuckle Truck) as equipment operated by Construction Equipment Operators.
- ◆ Added State Body Tire Truck as equipment operated by Construction Equipment Operators.
- ◆ Added the Skid Loader as a VOIII piece of equipment.
- ◆ Replaced Recreation Department with General Services Department throughout these guidelines.

Schedule E Driving Eligibility Standards

- ◆ Added language for driving eligibility standards and guidelines for Departmental actions applicable to bargaining unit members.



COUNCIL MEMBER AT-LARGE

JANEÉ L. AYERS

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50

MEMORANDUM

TO: Council Member Roy McCalister, Chair
Internal Operations Standing Committee

FROM: Council Member Janee' Ayers, Vice Chair
Public Health and Safety Standing Committee

DATE: May 6, 2019

RE: City Planning Commission Reappointment

The appointment of Brenda Goss Andrews to the City Planning Commission has expired. I continue to be impressed by her work on the Commission and would like to reappoint her. Please resubmit her application through the Internal Operations Standing Committee so that her appointment may be approved by the full Council.

Thank you,

Janee' Ayers
Detroit City Council

CITY CLERK 2019 MAY 6 PM3:53

RAQUEL CASTAÑEDA-LÓPEZ
COUNCIL MEMBER
DISTRICT 6

MEMORANDUM


TO: Rules Committee

THRU: Council Member Brenda Jones, Council President

FROM: Council Member Raquel Castañeda-López

DATE: May 1, 2019

RE: **Proposed Rules Amendments**



Please consider the following Rules amendments:

- When a subcommittee holds a public hearing for a proposed ordinance, the subcommittee will be noticed as "A Quorum may be Present"
- All special events, including events with street closures, will be referred to the Neighborhood and Community Services Standing Committee

Please do not hesitate to contact my office if you have any questions. Thank you.

Cc: Honorable Detroit City Council
Stephanie Washington, Mayor's Liaison
City Clerk

CITY CLERK 2019 MAY 3 AM 11:09